

HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF ANDHRA
PRADESH

PRESENT

THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI SENGUPTA
AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR

CONTEMPT CASE No.378 OF 2015
and
WAMP.No.684 of 2015 in WRIT APPEAL No.1302 OF 2014

DATED: 19.03.2015

CONTEMPT CASE No.378 OF 2015

Between:

Smt. Kanees Shareef

... Petitioner

And

Ms.Amrapli Kata

... Respondent

**THE HON'BLE THE CHIEF JUSTICE SRI KALYAN JYOTI
SENGUPTA
AND
THE HON'BLE SRI JUSTICE SANJAY KUMAR**

CONTEMPT CASE No.378 OF 2015

and

WAMP.No.684 of 2015 in WRIT APPEAL No.1302 OF 2014

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COMMON ORDER: (per the Hon'ble The Chief Justice Sri Kalyan Jyoti Sengupta)

Both the contempt case and the application for extension of time to comply with order, dated 28.10.2014 in W.A.No.1302 of 2014, are taken up for hearing.

This Court by order, dated 28.10.2014, passed in Writ Appeal No.1302 of 2014, directed the revisional authority to consider and dispose of the revision application within three months from the date of communication of the order. This order was duly communicated on 22.11.2014. In spite of communication and repeated approach made by the petitioner, the revision application has not been disposed of even till today. Three months' time expired on 22.02.2015. Therefore, obviously, there has been violation of the order of this Court. It is stated by the present Joint Collector, who is the revising authority upon delegation of power by the

Collector that she joined the office on 13.01.2015. Therefore, she was not aware of the fact that the predecessor-in-office did not take any action in the matter. After joining the Office, she has taken action in the matter from the month of March, 2015. It is surprising that having noted the fact of expiry of time fixed by Court, she of her own started taking action granting extension by herself. According to us, this amounts to interference with the administration of justice. It is not for her to fix her own time in contrast to the time granted by the Court in this regard and the conduct of the Officer is not also appreciable as the application for extension has been filed after the contempt case was filed. It appears, the respondent Officer is very young and inexperienced and in our view, she has not been able to appreciate the gravity of the matter and she thought that the judicial order does not get its due priority. The explanation put forth by her is unacceptable. Since it is her first case of lapse, we restrain ourselves from holding her guilty of contempt of Court for awarding punishment. We therefore dispose of both the matters by the following order.

We direct the Collector himself to carry out our order within a period of one month from the date of communication of this order regardless of the power of delegation since the respondent Officer is incapable to decide the matter. All the papers which are lying with her in

relation to this matter must be handed over to the Collector, who shall proceed in accordance with law, in terms of our earlier order, from the stage where it has been left. We award costs of both the applications in favour of the petitioner in the Contempt Case, assessed at Rs.1,000/-. Such costs shall be paid by the State Government at the first instance. Thereafter, the same may be recovered from the Officer concerned if the Government thinks so. Such costs have to be paid by the Government within fortnight from the date of communication of this order. The Government shall identify the predecessor(s) of the present Officer who were responsible for taking action and take disciplinary measure against him (them).

No order as to costs.

K.J. SENGUPTA, CJ

19th MARCH, 2015.

SANJAY KUMAR, J

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